United States Court of Appeals

FOR THE EIGHTH CIRCUIT

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-	No. 02-	3007
Melissa Lancaster; Tim Lancaster,	* * *	
Appellants,	*	
v.	* *	Appeal from the United States District Court for the Western District of Missouri.
Sheffler Enterprises, d/b/a McDona	ılds; *	
Leonard Sheffler; Pat Cox; Scott	*	
Perkins; Steve Cornelson; Jon Palmer;		[UNPUBLISHED]
Doug Davenport; Randy Boyer; Josh		
Bryant; Harold Kidwell;Brad	*	
Stephens; James Everle; Scheffler	*	
Family, L.L.L.P.;	*	
	*	
Defendants,	*	
	*	
American and Foreign Insurance	_	
Company; Royal Insurance Company	ny *	
of America; Royal Surplus Line Insurance Co.,	*	
illsurance Co.,	*	
Appellees.	*	

Submitted: February 25, 2003 Filed: February 27, 2003

Before HANSEN, Chief Judge, WOLLMAN, and RILEY, Circuit Judges.

PER CURIAM.

This is an appeal following the district court's¹ refusal to reconsider its order awarding the insurers--in the Lancasters' unsuccessful garnishment action--the full amount of the insurers' requested costs and fees. The Lancasters had moved for reconsideration on the basis that <u>Johnston v. Sweany</u>, 68 S.W.3d 398 (Mo. 2002) (en banc) (per curiam) specifically limited fee awards to expenses directly related to the garnishment, and excluded fees resulting from litigation of coverage issues. The court denied reconsideration, concluding that <u>Johnston</u> directed courts to separate fees related to coverage and fees related to garnishment to the extent practicable, but that in this case division was not practicable because the fees related to coverage issues were deeply intertwined with fees related to garnishment.

We conclude that the district court's award was not a clear abuse of discretion. See Computrol, Inc. v. Newtrend, L.P., 203 F.3d 1064, 1072 (8th Cir. 2000). Johnston requires only that the fees be limited to the extent practicable, see Johnston, 68 S.W.3d at 405, and the court found that division was not practicable. Thus, we reject the Lancasters' argument that the district court failed to heed the majority opinion in Johnston.

Accordingly, we affirm the judgment of the district court and the denial of the motion ro reconsider.

¹The Honorable Scott O. Wright, United States District Court Judge for the Western District of Missouri.

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Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.